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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 RICHARD C. RODOLF,) CASE NO. C08-0475-RSL-MAT
06 Plaintiff,)
07 v.) ORDER DENYING PLAINTIFF'S
08 CHRISTOPHER KIELAND, et al.,) MOTIONS
09 Defendants.)
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11 Plaintiff Richard Charles Rodolf, proceeding *pro se* and *in forma pauperis* in this 42
12 U.S.C. § 1983 civil rights action, moves for appointment of counsel (Dkt. 25), for discovery (Dkt.
13 26), and for a protective order until he is represented by court-appointed counsel (Dkt. 27).
14 Having considered these motions, as well as the remainder of the record, the Court does hereby
15 find and ORDER:

16 1. Plaintiff's motion for appointment of counsel (Dkt. 25) is DENIED for the reasons
17 stated in the Court's denial of his previous motion for appointment of counsel. (*See* Dkt. 18.)

18 2. Plaintiff's motion for discovery is STRICKEN (Dkt. 26) as improperly presented.
19 The Court declines to interpret plaintiff's motion to be a motion to compel because there is no
20 indication that defendants have failed to respond to interrogatories or to requests for production.
21 The Court reminds plaintiff that the Federal Rules of *Civil* Procedure, rather than the Federal
22 Rules of *Criminal* Procedure, apply to this civil action. (*See* Dkt. 24 at 1.) To the extent that

01 plaintiff attempts, through his motion, to serve interrogatories on defendants, the Court notes that
02 his attempt at service is untimely. (*See id.* (“The serving party . . . must serve his/her
03 interrogatories at least **thirty (30) days** before the deadline in order to allow the other party time
04 to answer.”) The discovery deadline was October 20, 2008. Plaintiff’s motion was dated
05 September 22, 2008, and filed September 29, 2008. The Court does, however, encourage the
06 parties to resolve any outstanding discovery disputes on mutually agreeable terms.

07 3. Plaintiff’s letter dated October 13, 2008 (Dkt. 27) is interpreted to be a motion for
08 a protective order and is DENIED. Plaintiff has no right to court-appointed counsel and may not
09 refuse to attend a deposition because he has chosen to proceed *pro se*. The Court extends the
10 discovery deadline solely for the purpose of allowing defendants to depose plaintiff within fourteen
11 (14) days of the date of this Order.

12 4. The Clerk is directed to send copies of this Order to plaintiff, to defendants, and
13 to the Honorable Robert S. Lasnik.

14 DATED this 30th day of October, 2008.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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